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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09 688,876      | 10/17/2000  | Yasuo Hira           | 500.39179 X00       | 2465             |

20457 7590 05.28.2003

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ARLINGTON, VA 22209

[REDACTED] EXAMINER

THOMPSON, TIMOTHY J

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|          | 2873         |

DATE MAILED: 05/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

|                 |                    |                  |
|-----------------|--------------------|------------------|
| Application No. | 09/688,876         | Applicant(s)     |
| Examiner        | Timothy J Thompson | Art Unit<br>2873 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

### A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) Claim(s) 6-8, 14-21 and 27-29 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 6, 8, 14, 16-21, 27 and 29 is/are allowed.
- 6) Claim(s) 7, 15 and 28 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 17 October 2000 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_ is: a) approved b) disapproved by the Examiner.
 

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

|   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____.              |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                          | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>10</u> . | 6) <input checked="" type="checkbox"/> Other: <i>RESPONSE TO RULE 312 COM (PTO 271)</i> |

## DETAILED ACTION

### ***Allowable Subject Matter***

Applicant is advised that the notice of Allowance mailed on 07/30/02 is vacated. If the issue fee has already been paid, applicant may request a refund or request that the fee be credited to a deposit account. However, applicant may wait until the application is either found allowable or held abandoned. If allowed, upon receipt of a new Notice of Allowance, applicant may request that the previously submitted issue fee be applied. If abandonment, applicant may request refund or credit to specified Deposit Account.

The indicated allowability of claims 7, 15 and 28 is withdrawn in view of the newly discovered reference(s) to Yasuhiko et al.(JP 10301208) and Dubin et al. (U.S. Patent No. 6,278,546 B1). Rejections based on the newly cited reference(s) follow.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 7 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Yasuhiko et al.(JP 10301208).

Regarding claim 7, Yasuhiko et al. discloses an optical element capable of forming spatial distribution of light transmittance(fig 4), a light shield layer(fig 4, 40), and a light diffusion layer(fig 4, 50), the light shield layer containing a light transmitting region and light shielding region(fig 4, 40), and the light diffusion layer positioned at least upper side or lower side of the light shield layer(fig 4).

Regarding claim 28, Yasuhiko et al. discloses the optical film takes a shape of a film or a substrate(fig 4).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yasuhiko et al.(JP 10301208) as applied to claim 7 above, and further in view of Dubin et al.(U.S. Patent No. 6,278,546).

Yasuhiko et al., as detailed in claim rejection 7 above, does not specifically disclose the optical element is a micro lens array. However, Dubin et al. discloses when using a lenticular sheet, for a transmission type screen, to

make the screen a microlens array (col 16, lines 12-19). It would have been obvious to one skilled in the art, at the time of the invention, to make the sheet a micro lens array, as shown by Dubin et al., in the transmission type screen of Yasuhiko et al., since as shown by Dubin et al., lenticular transmission type screens are commonly formed as microlenses so as to properly refract the light for viewing.

***Allowable Subject Matter***

Claims 6, 8, 14, 16-21, 27, 29 are allowed.

The following is an examiner's statement of reasons for allowance: The prior art taken either singularity or in combination fails to anticipate or fairly suggest the limitations of the independent claim, in such a manner that a rejection under 35 U.S.C. 102 or 103 would be proper. The prior art fails to teach a combination of all the claimed features as presented in independent claim 6, 8, with the important feature being the diffusion the diffusion layer is composed of a compound which changes light transmittance depending on irradiation of the energy beam or the light shielding layer containing small balls having transmissivity. Therefore claims 6, 8, 14, 16-21, 27, 29 are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should

preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J. Thompson whose telephone number is (703) 305-0881. If the examiner can not be reached his supervisor, Georgia Epps, can be reached on (703) 308-4883.

T.J.T.

11/1/02



|   |                        |                     |
|---|------------------------|---------------------|
| <b>Response to Rule 312 Communication</b> | <b>Application No.</b> | <b>Applicant(s)</b> |
|   | 09/688,876             | HIRA, YASUO         |
|   | <b>Examiner</b>        | <b>Art Unit</b>     |
|   | Timothy J Thompson     | 2873                |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1.  The amendment filed on 04 October 2002 under 37 CFR 1.312 has been considered, and has been:

- a)  entered.
- b)  entered as directed to matters of form not affecting the scope of the invention.
- c)  disapproved because the amendment was filed after the payment of the issue fee.  
Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.
- d)  disapproved. See explanation below.
- e)  entered in part. See explanation below.

*Amendment filed 04 Oct 2002*